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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,180	09/18/2000	Robert Ellis Chapman JR.	YOR920000633US1	5786

7590 08/20/2004
RYAN, MASON & LEWIS, LLP
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FAIRFIELD, CT 06824

EXAMINER

NGUYEN, HUY D

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 08/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/664,180

Applicant(s)

CHAPMAN ET AL.

Examiner

Huy D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1, 3-4, and 8, drawn to call conferencing, classified in class 455, subclass 416.
 - II. Claims 2, 6-7, and 9, drawn to call privacy, classified in class 455, subclass 411.

The inventions are distinct, each from the other because of the following reasons:

They have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

The search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

These inventions have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Response to Arguments

2. Applicant's arguments filed 07/06/2004 have been fully considered but they are not persuasive.

In response to the applicant's arguments pertaining to the restriction requirement, the examiner states that even though the two Groups are related to techniques for communicating using wireless devices (as argued by applicant), claims 1, 3-4, 8 are drawn to call conferencing which belongs to subclass 416 whereas claims 2, 6-7, and 9 are drawn to call privacy which

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belongs to subclass 411. The two groups of claims are drawn to two distinct inventions and are required to be restricted since the complete search for both Groups would impose burden on the examiner. This restriction requirement is made Final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 3-4, 8 are rejected under 35 U.S.C. 102(a) as being anticipated by Alperovich et al. (U.S. Patent No. 5,987,318).

Regarding claims 1, 3, and 8, Alperovich et al. teaches a wireless device for connecting to one or more network node devices, the network node devices connected to one or more wirelines, the wireless device comprising: one or more wireless signal generators supporting one or more wireless connections; one or more memories comprising an identifier identifying the wireless device; one or more negotiators that negotiate with the network node device in order to establish a connection to one or more wirelines connected to the network node; and a requesting process that requests, through a message sent to the network node device, bridging by the wireless device to a call in progress, the message comprising the request for bridging and the identifier (col. 6, line 50 – col. 7, line 18).

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Regarding claim 4, Alperovich et al. teaches the method of claim 3 further comprising the step of communicating with the network node device to establish the eligibility of the wireless device to join a call in progress (col. 6, line 60 – col. 7, line 3).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D Nguyen whose telephone number is 703-305-3283. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DAVID HUDSPETH
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2600